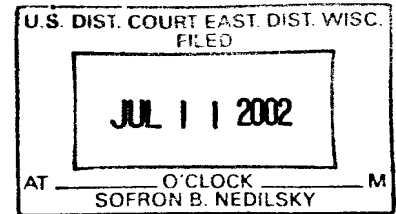


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JAMES R. BAUMGART, ROGER M. BRESKE,  
BRIAN T. BURKE, CHARLES J. CHVALA,  
RUSSELL S. DECKER, JON ERPENBACH,  
GARY R. GEORGE, RICHARD GROBSCHMIDT,  
DAVE HANSEN, ROBERT JAUCH, MARK MEYER,  
RODNEY MOEN, GWENDOLYNNE S. MOORE,  
KIMBERLY PLACHE, FRED A. RISSE, JUDY ROBSON,  
KEVIN W. SHIBILSKI, ROBERT D. WIRCH,  
SPENCER BLACK, JAMES E. KREUSER,  
GREGORY B. HUBER, each individually  
and as members of the Wisconsin State Senate,



Intervenor-Plaintiffs,

v.

Case No. 01-C-0121

JERALYN WENDELBERGER, chairperson  
of the Wisconsin Elections Board,  
and each of its members in his or her official capacity,  
JOHN P. SAVAGE, DAVID HALBROOKS,  
R.J. JOHNSON, BRENDA LEWISON,  
STEVEN V. PONTO, JOHN C. SCHOBBER,  
CHRISTINE WISEMAN and KEVIN J. KENNEDY,  
its executive director,

Defendants,

and

SCOTT R. JENSEN, in his capacity as the Speaker of the  
Wisconsin Assembly, and MARY E. PANZER, in her  
capacity as the Minority Leader of the Wisconsin Senate,

Intervenor-Defendants.

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SCOTT R. JENSEN, in his capacity  
as the Speaker of the Wisconsin Assembly,  
MARY E. PANZER, in her capacity as the  
Minority Leader of the Wisconsin Senate,

Plaintiffs,

v.

Case No. 02-C-0366

JERALYN WENDELBERGER, chairperson  
of the Wisconsin Elections Board,  
and each of its members in his or her official capacity,  
JOHN P. SAVAGE, DAVID HALBROOKS,  
R. J. JOHNSON, BRENDA LEWISON,  
STEVEN V. PONTO, JOHN C. SCHOBEL.  
CHRISTINE WISEMAN, KEVIN J. KENNEDY,  
its executive director,

Defendants,

and

JAMES R. BAUMGART, ROGER M. BRESKE,  
BRIAN T. BURKE, CHARLES J. CHVALA,  
RUSSELL S. DECKER, JON ERPENBACH,  
GARY R. GEORGE, RICHARD GROBSCHMIDT,  
DAVE HANSEN, ROBERT JAUCH, MARK MEYER,  
RODNEY MOEN, GWENDOLYNNE S. MOORE,  
KIMBERLY PLACHE, FRED A. RISSE, JUDY ROBSON,  
KEVIN W. SHIBILSKI, ROBERT D. WIRCH,  
SPENCER BLACK, JAMES E. KREUSER,  
GREGORY B. HUBER, each individually  
and as members of the Wisconsin State Senate,

Intervenor-Defendants.

**DECIDED JULY 10, 2002**

Before EASTERBROOK, *Circuit Judge*, STADTMUELLER, *Chief District Judge*, and CLEVERT, *District Judge*

**DECISION AND ORDER**

PER CURIAM. The court has been advised by its technical advisor, Tony Van Der Wielen of the Legislative Technical Services Bureau (LTSB), as well as Peter Cannon and Michael Keane of the LTSB, of errors in the population data set used by the parties and the court in determining Assembly and Senate districts in this case. These errors are of two types. The most common is the omission of wards from the data set. For example, Appleton ward 33 in the data set is actually comprised of wards 33 and 53, and Appleton ward 19 is actually comprised of wards 50 and 19. Similar errors occurred with respect to the Village of Little Chute (ward 13 omitted from the data set), the City of Brodhead in Rock County (ward 7 omitted), and the City of Eau Claire (ward 24 omitted).

The second data error relates to the City of Eau Claire, where two census blocks in the center of ward 20 are assigned to ward 1. Also, there are two unpopulated non-contiguous wards in Appleton, wards 41 and 49, which should be moved from Assembly District 3 to District 55.

In light of the above, and pursuant to Fed. R. Civ. P. 60(a), Part II of the Order of May 30, 2002, is amended as follows:

Third assembly district. All of the following territory constitutes the 3rd assembly district:

- (1) Brown County. That part of Brown County consisting of the towns of Holland and Morrison.
- (2) Calumet County. That part of Calumet County consisting of all of the following:
  - (a) The towns of Brillion, Chilton, Harrison, Stockbridge, and Woodville.
  - (b) The villages of Sherwood and Stock bridge.
  - (c) The cities of Brillion and Chilton.
  - (d) That part of the city of Menasha located in the county.
- (3) Outagamie County. That part of Outagamie County consisting of all of the following:
  - (a) The town of Buchanan.
  - (b) The villages of Combined Locks and Kimberly.
  - (c) That part of the village of Little Chute comprising wards 5, 6, 7, and 11.

Fifth assembly district. All of the following territory constitutes the 5th assembly district:

- (1) Brown County. That part of Brown County consisting of all of the following:
  - (a) The towns of Hobart and Lawrence.
  - (b) That part of the village of Ashwaubenon comprising ward 9.
  - (c) That part of the city of Green Bay comprising wards 47, 48, and 49.

- (2) Outagamie County. That part of Outagamie County consisting of all of the following:
  - (a) The towns of Black Creek, Cicero, Freedom, Kaukauna, Oneida, Osborn, Seymour, and Vandenbroek.
  - (b) The villages of Black Creek and Nichols.
  - (c) That part of the village of Little Chute comprising wards 1, 2, 4, 8, 9, 10, 12, and 13.
  - (d) That part of the village of Howard located in the county.
  - (e) The cities of Kaukauna and Seymour.
- (3) Shawano County. That part of Shawano County consisting of the town of Maple Grove.

Fifty-fifth assembly district. All of the following territory in Winnebago County constitutes the 55th assembly district:

- (1) That part of the town of Menasha comprising wards 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.
- (2) The city of Neenah.
- (3) That part of the city of Appleton located in the county.
- (4) That part of the city of Menasha located in the county.

Fifty-sixth assembly district. All of the following territory constitutes the 56th assembly district:

- (1) Outagamie County. That part of Outagamie County consisting of all of the following:
  - (a) The towns of Center, Dale, Grand Chute, and Greenville.
  - (b) That part of the city of Appleton comprising wards 30, 31, 32, 51, 52.

- (2) Winnebago County. That part of Winnebago County consisting of all of the following:
  - (a) The towns of Clayton, Neenah, Poygan, Vinland, Winchester, Winneconne, and Wolf River.
  - (b) That part of the town of Menasha comprising wards 1 and 2.
  - (c) The village of Winneconne.

Fifty-seventh assembly district. All of the following territory in Outagamie County constitutes the 57th assembly district:

- (1) That part of the village of Little Chute comprising ward 3.
- (2) That part of the city of Appleton comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 34, 35, 36, 37, 50, and 53.

Sixty-eighth assembly district. All of the following territory constitutes the 68th assembly district:

- (1) Chippewa County. That part of Chippewa County consisting of all of the following:
  - (a) The towns of Hallie, Lafayette, and Wheaton.
  - (b) That part of the city of Eau Claire located in the county.
- (2) Eau Claire County. That part of Eau Claire County consisting of all of the following:
  - (a) The towns of Lincoln, Ludington, Seymour, and Union.
  - (b) That part of the town of Washington comprising wards 9 and 13.
  - (c) The village of Fall Creek.

- (d) That part of the city of Altoona comprising wards 8, 12, and 13.
- (e) That part of the city of Eau Claire comprising wards 1, 7, 8, 9, 10, 11, 12, 13, 14, 19, 22, 23, 29, 31, 34, 35, 36, and 37.

Eightieth assembly district. All of the following territory constitutes the 80th assembly district:

- (1) Whole county. Green County.
- (2) Dane County. That part of Dane County consisting of all of the following:
  - (a) The towns of Montrose, Oregon, Perry, and Primrose.
  - (b) That part of the village of Oregon comprising wards 1, 5, 6, 7, and 8.
  - (c) That part of the village of Belleville located in the county.
  - (d) That part of the village of Brooklyn located in the county.
- (3) Lafayette County. That part of Lafayette County consisting of all of the following:
  - (a) The town of Wayne.
  - (b) The village of South Wayne.
- (4) Rock County. That part of Rock County consisting of all of the following:
  - (a) The towns of Magnolia and Union.
  - (b) The city of Evansville.
  - (c) That portion of the City of Brodhead located within the county.

Ninety-third assembly district. All of the following territory constitutes the 93rd assembly district:

- (1) Dunn County. That part of Dunn County consisting of the towns of Dunn, Eau Galle, Peru, Rock Creek, and Weston.
- (2) Eau Claire County. That part of Eau Claire County consisting of all of the following:
  - (a) The towns of Brunswick, Clear Creek, Drammen, Otter Creek, and Pleasant Valley.
  - (b) That part of the town of Washington comprising wards 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, and 12.
  - (c) That part of the city of Altoona comprising wards 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11.
  - (d) That part of the city of Eau Claire comprising wards 2, 3, 4, 5, 6, 15, 17, 18, 20, 21, 24, 25, 26, 27, 28, 30, 32, 33, 38, and 39.
- (3) Pepin County. That part of Pepin County consisting of the towns of Albany and Lima.
- (4) Pierce County. That part of Pierce County consisting of the town of Rock Elm.



This \_\_\_\_\_ day of \_\_\_\_\_, 2002, pursuant to Rule 77(d) Federal Rules of Civil Procedure, copies of this document were mailed by \_\_\_\_\_ to the following parties:

Attorney Thomas J. Balistreri  
Wisconsin Department of Justice  
Office of the Attorney General  
P.O. Box 7857  
Madison, WI 53702-7857

Attorney Patrick J. Hodan  
Reinhart Boerner Van Deuren  
Norris & Rieselbach  
P.O. Box 51400  
1000 N. Water St. - Ste. 2100  
Milwaukee, WI 53202-3186

Attorney James R. Troupis  
Attorney Eric M McLeod  
Michael Best & Friedrich  
700 Firststar Plaza, P.O. Box 1806  
1 S. Pinckney St. - Ste. 700  
Madison, WI 53701-1806

Attorney Randall L. Nash  
O'Neil Cannon & Hollman  
111 E. Wisconsin Ave. - Ste. 1400  
Milwaukee, WI 53202

Attorney Mark E. Sostarich  
Petrie & Stocking  
111 E. Wisconsin Ave., Suite 1500  
Milwaukee, WI 53202

Attorney Michael P. May  
Boardman Law Firm  
P. O. Box 927  
1 S. Pinckney St., Suite 410  
Madison, WI 53701-0927